THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.21626 of 2006

Between:

Akkala Venkata Mahalakshmi.

.. PETITIONER

and

The State of Andhra Pradesh and others.

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RESPONDENTS

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ORDER:

It is the case of the petitioner that one Nitta Padma @ Ambatipudi

Padma gave a boy child by name Rahul Vihari for adoption to the petitioner and her husband on 14-11-2005. The said Padma, the petitioner and her husband executed a registered Adoption Deed on 14-11-2005 vide document No.134 of 2005 registered on the rolls of Joint Sub-Registrar at Eluru. The adoption was taken place as per Hindu rites and customs. The child is in the custody of the petitioner. While so, respondents 4 and 5 have been repeatedly sending constables to her house insisting her to give custody of her adoptive son to his natural mother. Further, the 4th respondent registered a false case against her husband in Cr.No.280 of 2006.

A counter has been filed by the 4th respondent stating that police never insisted the petitioner to deliver custody of her adoptive son to his natural mother. It is stated that on a complaint filed by the natural mother of the adopted son, a case in Cr.No.280 of 2006 was registered and after investigation, the charge-sheet was filed in C.C.No.439 of 2006 on the file of II Additional Judicial First Class Magistrate, Eluru, for the offences punishable under Sections 448 and 506 (2) IPC.

I am not inclined to express any opinion as to the genuineness or otherwise of the crime said to have been committed by the petitioner. However, as the case is pending for trial, it is open for the trial court to appreciate evidence and take appropriate action. But, insofar as the relief claimed in this writ petition is concerned, as the police denied about the alleged illegal interference of the respondents with regard to the adoptive son of the petitioner, no orders need be required in this writ petition.

Accordingly, the writ petition is dismissed. There shall be no order as to costs.

18-06-2007

Prv